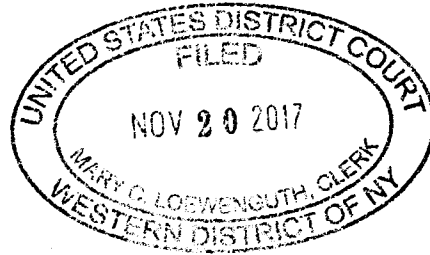


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

15-CR-179-FPG

DONALD GARDNER, JR.,

Defendant.

SPEEDY TRIAL ORDER

(November 17, 2017 through December 22, 2017)

On November 17, 2017, the parties appeared before the Court for a status conference. Assistant United States Attorney Mary C. Baumgarten appeared on behalf of the government. The defendant appeared personally and with his attorney, Assistant Federal Public Defender Frank R. Passafiume.

At that time, the defendant advised the Court that he needed additional time to conduct plea negotiations with the government, and requested a continuance of proceedings in this action in order to continue efforts to obtain a favorable pretrial plea and updated the Court with respect to those ongoing efforts. The government did not oppose the request for the continuance.

The Court granted the defendant's request and based on the representations of the parties, scheduled a status conference for December 22, 2017 at 10:00 a.m. The Court excluded the time in this action from November 17, 2017 through and including December

22, 2017, pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(7)(B)(iv), after having found that granting the continuance is in the interest of justice and not contrary to the interests of the public and the defendant in a speedy trial.

Specifically, and for the reasons set forth above, the Court determines that the public's interest in conserving resources by avoiding needless pre-trial litigation, the time and expense of a trial and a likely appeal, and combined with the certainty of conviction obtained through a plea of guilty by the defendant, outweigh the public's interest in a speedy trial. Further, the defendant's interest in obtaining the benefit of a more favorable plea and the possibility of a lesser sentence, which likely would accompany a pretrial disposition of this matter, outweighs the interest of the defendant in a speedy trial.


NOW, for the reasons set forth above and on the record in open Court on November 17, 2017, it is hereby

ORDERED, that for the reasons set forth above, the status conference is adjourned until December 22, 2017; and it is further

ORDERED, that the time in this action from and including November 17, 2017, through and including December 22, 2017, is properly excluded from the time within which trial must commence, in accordance with the Speedy Trial Act, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

The Court further finds that as of December 22, 2017, zero days of Speedy Trial Act time will have elapsed in this action and seventy (70) days remain in the period within which trial must commence.

DATED: Buffalo, New York, November 20, 2017.


H. KENNETH SCHROEDER, JR.
United States Magistrate Judge